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DOUGLAS EMMETT 2010, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LINDA KOYANAGI,

Plaintiff,

vs.

DOUGLAS EMMETT 2010, LLC
dba Bishop Square, a foreign for profit
limited company; JOHN DOES 1–10;
JANE DOES 1–10; DOE
CORPORATIONS 1–10; DOE “NON-
PROFIT” CORPORATIONS 1–10;
DOE PARTNERSHIPS 1–10 and
DOE ENTITIES 1–10,

Defendants.

CIVIL NO.

**DEFENDANT DOUGLAS
EMMETT 2010, LLC’S NOTICE
OF REMOVAL; EXHIBIT “A”;
CERTIFICATE OF SERVICE**

DEFENDANT DOUGLAS EMMETT 2010, LLC’S NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Defendant Douglas Emmett 2010, LLC (“Douglas Emmett”) hereby submits this Notice of Removal (“Notice”), petitioning the United States District Court for the District of Hawaii for removal of the above-captioned action, Civil No. 1CCV-21-0001471, from the Circuit Court of the First Circuit, State of Hawaii, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and submits a short and plain statement of the grounds for removal, as follows:

A. Introduction

1. On November 30, 2021, Plaintiff LINDA KOYANAGI (“Plaintiff”) filed a Complaint in the Circuit Court of the First Circuit, State of Hawaii (Civil No. 1CCV-21-0001471) against Defendants Douglas Emmett 2010, LLC, John Does 1–10, Jane Does 1–10, Doe Corporations 1–10, Doe “Non-Profit” Corporations 1–10, Doe Partnerships 1–10, and Doe Entities 1–10, alleging personal injuries and damages resulting from a slip and fall incident that allegedly occurred on January 8, 2020 near the Alakea Street entrance to the premises located at “Bishop Square” located at 1001 Bishop Street and 1003 Bishop Street, Honolulu, Hawaii 96813 (“Bishop Square”). Attached hereto as Exhibit “A” is a true and correct copy of the Complaint.

2. Plaintiff alleges that, on January 8, 2020, “[a]s Plaintiff Linda walked up Bishop Square’s walkway from the Alakea Street sidewalk toward the mall entrance, she slipped and fell on the gray rectangle shaped walking area.” Exh. A at ¶ 27. She alleges that the fall and her injuries are attributable to the negligence of Douglas Emmett. Exh. A at ¶¶ 5–41.

B. Diversity of Citizenship

3. Based on information and belief, Plaintiff is domiciled in Hawai‘i. Plaintiff alleges in her Complaint that “[a]t all times relevant herein, Plaintiff . . . is a resident of the City and County of Honolulu, State of Hawaii.” Exh. A at ¶ 1.

4. Douglas Emmett is a Delaware limited liability company whose sole member is Douglas Emmett Management, Inc. Douglas Emmett Management, Inc. is a Delaware corporation with its principal place of business in California. Douglas Emmett is therefore deemed a citizen of Delaware and California for purposes of 28 U.S.C. § 1332(a)(1). *See Michaels v. Longs Drug Stores Cal., LLC*, No. 14-00396-ACK-KSC, 2014 WL 5488343, at *2 (D. Haw. Oct. 28, 2014) (“LLCs are citizens ‘of every state of which its owners/members are citizens.’” (quoting *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006))).

5. All other defendants, i.e., John Does 1–10, Jane Does 1–10, Doe Corporations 1–10, Doe “Non-Profit” Corporations 1–10, Doe Partnerships 1–10, and Doe Entities 1–10, are fictitiously named. The citizenship of defendants sued under fictitious names shall be disregarded in determining whether an action is removable under 28 U.S.C. § 1332(a). 28 U.S.C. § 1441(b)(1).

C. The Amount in Controversy is Satisfied

6. Based on the allegations in the Complaint, it is facially apparent that the alleged amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs. The Court “may consider whether it is ‘facially apparent’ from the complaint that the jurisdictional amount is in controversy” or “may consider facts in the removal petition[.]” *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 377 (9th Cir. 1997).

7. Accordingly, this Court has original jurisdiction of this action under 28 U.S.C. § 1332(a), and this action is one which may be removed to this Court by Douglas Emmett pursuant to 28 U.S.C. §§ 1141(a) and 1446, given that the action is between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

D. Process and Pleadings

8. Douglas Emmett was served with the Complaint on January 20, 2022. Accordingly, this Notice is timely filed within thirty days of Plaintiff's service of the Complaint on Douglas Emmett. *See* 28 U.S.C. § 1446(b)(1).

9. The United States District Court for the District of Hawaii "embrac[es] the place where [the State court] action is now pending," and therefore is the proper District Court to which this case should be removed pursuant to 28 U.S.C. § 1441(a).

10. By removing this action, Douglas Emmett does not admit any of the allegations in Plaintiff's Complaint.

11. By removing this action, Douglas Emmett does not waive any defenses available to it.

12. This short and plain statement of the grounds for removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Douglas Emmett prays that the above-entitled action be removed from the Circuit Court of the First Circuit, State of Hawaii, to the United States District Court for the District of Hawaii, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

DATED: Honolulu, Hawaii, February 16, 2022.

/s/ Stacy Y. Ma

STACY Y. MA

ALYSSA N. SIMBAHON

Attorneys for Defendant

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Defendants.

CIVIL NO.

CERTIFICATE OF SERVICE

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The undersigned hereby certifies that a true and correct copy of the
foregoing document was duly served upon the following parties:

Served via U.S. Mail:

John D. Yamane, Esq.
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Attorneys for Plaintiff
LINDA KOYANAGI

DATED: Honolulu, Hawaii, February 16, 2022.

/s/ Stacy Y. Ma

STACY Y. MA

ALYSSA N. SIMBAHON

Attorneys for Defendant

DOUGLAS EMMETT 2010, LLC